IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

WILLIAM JEFFREY BARTON, (a/k/a) JOE SHERROD,)	
Petitioner,)	
V.)	Case No. CIV-05-69-L
KAY COUNTY OKLA. and THE ATTORNEY GENERAL OF THE STATE OF OKLAHOMA,))	
Respondents.))	

ORDER

This action is brought by petitioner seeking a writ of habeas corpus. This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Robert E. Bacharach on March 30, 2005, wherein he recommended that petitioner's action be summarily dismissed without prejudice to the filing of a new suit. The Report and Recommendation details the chronology of this action, noting that petitioner has not paid the filing fee or requested an extension of time to do so. Several court orders mailed to petitioner at his last known address have been returned with the notation that petitioner is no longer at that address.

The court file reflects that no party has filed an objection with the Clerk of this Court within the time limits prescribed in the Report and Recommendation.

Indeed, the Report and Recommendation, mailed to petitioner at his last known address, was also returned to the court as undeliverable with the notation, "no longer here." LCvR5.5(a) provides that if any information regarding a parties' address changes, the "pro se litigant must notify the Court by filing the form provided by the Clerk. . . ". In addition, Rule 5.5(a) provides: "Papers sent by the Court will be deemed delivered if sent to the last known address given to the Court." A review of the court file reveals that the Report and Recommendation was sent to the last known address provided by petitioner and was thus deemed delivered. Clearly, petitioner has failed to provide the court with his current address. His failure to communicate with the court prevents this case from going forward. Under the circumstances, and having conducted a de novo review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. Therefore, petitioner's action is DISMISSED WITHOUT PREJUDICE.

It is so ordered this 22nd day of April, 2005.

TIM LEONARD

United States District Judge